

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable René Lastreto
Hearing Date: Thursday, February 25, 2016
Place: Department B – Courtroom #13
Fresno, California

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

1. The following rulings are tentative. The tentative ruling will not become the final ruling until the matter is called at the scheduled hearing. **Pre-disposed matters will generally be called, and the rulings placed on the record at the end of the calendar.** Any party who desires to be heard with regard to a pre-disposed matter may appear at the hearing. If the party wishes to contest the tentative ruling, he/she shall notify the opposing party/counsel of his/her intention to appear. **If no disposition is set forth below, the hearing will take place as scheduled.**
2. Submission of Orders:

Unless the tentative ruling expressly states that the court will prepare a civil minute order, then the tentative ruling will only appear in the minutes. If any party desires an order, then the appropriate form of order, which conforms to the tentative ruling, must be submitted to the court. When the debtor(s) discharge has been entered, proposed orders for relief from stay must reflect that the motion is denied as to the debtor(s) and granted only as to the trustee. Entry of discharge normally is indicated on the calendar.
3. Matters Resolved Without Opposition:

If the tentative ruling states that no opposition was filed, and the moving party is aware of any reason, such as a settlement, why a response may not have been filed, the moving party must advise Vicky McKinney, the Calendar Clerk, at (559) 499-5825 by 4:00 p.m. the day before the scheduled hearing.
4. Matters Resolved by Stipulation:

If the parties resolve a matter by stipulation after the tentative ruling has been posted, but **before the formal order is entered on the docket**, the **moving party** may appear at the hearing and advise the court of the settlement or withdraw the motion. Alternatively, the parties may submit a stipulation and order to modify the tentative ruling together with the proposed order resolving the matter.
5. Resubmittal of Denied Matters:

If the moving party decides to re-file a matter that is denied without prejudice for any reason set forth below, the moving party must file and serve a new set of pleadings with a new docket control number. It may not simply re-notice the original motion.

THE COURT ENDEAVORS TO PUBLISH ITS PREDISPOSITIONS AS SOON AS POSSIBLE, HOWEVER CALENDAR PREPARATION IS ONGOING AND THESE PREDISPOSITIONS MAY BE REVISED OR UPDATED AT ANY TIME PRIOR TO 4:00 P.M. THE DAY BEFORE THE SCHEDULED HEARINGS. PLEASE CHECK AT THAT TIME FOR POSSIBLE UPDATES.

9:30 A.M.

1. 15-14685-B-11 B&L EQUIPMENT RENTALS, MOTION TO COMPROMISE
LKW-10 INC. CONTROVERSY/APPROVE SETTLEMENT
B&L EQUIPMENT RENTALS, INC./MV AGREEMENT WITH SARAI MEDRANO
AND/OR MOTION TO PAY
1-28-16 [91]

LEONARD WELSH/Attv. for dbt.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

2. 15-14685-B-11 B&L EQUIPMENT RENTALS, INC. MOTION FOR ORDER LIMITING
LKW-11 SERVICE
B&L EQUIPMENT RENTALS, INC./MV 2-3-16 [98]
LEONARD WELSH/Att'y. for dbt.

3. [15-14685](#)-B-11 B&L EQUIPMENT RENTALS, INC.
LKW-5
B&L EQUIPMENT RENTALS, INC./MV
LEONARD WELSH/Atty. for dbt.
- MOTION FOR ORDER AUTHORIZING
ASSUMPTION OF UNEXPIRED REAL
PROPERTY LEASE
1-21-16 [[54](#)]

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

4. [15-14685](#)-B-11 B&L EQUIPMENT RENTALS, INC.
LKW-6
B&L EQUIPMENT RENTALS, INC./MV
LEONARD WELSH/Atty. for dbt.
- MOTION FOR ORDER AUTHORIZING
ASSUMPTION OF UNEXPIRED REAL
PROPERTY LEASE
1-21-16 [[60](#)]

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

5. [15-14685](#)-B-11 B&L EQUIPMENT RENTALS, MOTION FOR ORDER AUTHORIZING
 LKW-7 INC. ASSUMPTION OF UNEXPIRED REAL
 B&L EQUIPMENT RENTALS, INC./MV PROPERTY LEASE
 1-21-16 [[66](#)]

 LEONARD WELSH/Atty. for dbt.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

6. [15-14685](#)-B-11 B&L EQUIPMENT RENTALS, MOTION FOR ORDER AUTHORIZING
 LKW-8 INC. ASSUMPTION OF UNEXPIRED REAL
 B&L EQUIPMENT RENTALS, INC./MV PROPERTY LEASE
 1-21-16 [[72](#)]

 LEONARD WELSH/Atty. for dbt.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

7. [15-14685](#)-B-11 B&L EQUIPMENT RENTALS, MOTION FOR ORDER AUTHORIZING
 LKW-9 INC. ASSUMPTION OF UNEXPIRED REAL
 B&L EQUIPMENT RENTALS, INC./MV PROPERTY LEASE
 1-21-16 [[79](#)]

 LEONARD WELSH/Atty. for dbt.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

1:30 P.M.

1. [15-14800](#)-B-13 RICHARD LIMA
PPR-1
U.S. BANK NATIONAL
ASSOCIATION/MV
HALIE LEONARD/Atty. for mv.
RESPONSIVE PLEADING
OBJECTION TO CONFIRMATION OF
PLAN BY U.S. BANK NATIONAL
ASSOCIATION
2-3-16 [[23](#)]
2. [15-13602](#)-B-13 MANUEL/ROSE ALVAREZ
PBB-1
MANUEL ALVAREZ/MV
PETER BUNTING/Atty. for dbt.
RESPONSIVE PLEADING
CONTINUED MOTION TO CONFIRM
PLAN
11-20-15 [[21](#)]
3. [15-14005](#)-B-13 BLANCA ALVARADO
MHM-1
MICHAEL MEYER/MV
THOMAS GILLIS/Atty. for dbt.
RESPONSIVE PLEADING
MOTION TO DISMISS CASE
1-27-16 [[19](#)]
4. [15-14005](#)-B-13 BLANCA ALVARADO
TOG-1
BLANCA ALVARADO/MV
THOMAS GILLIS/Atty. for dbt.
MOTION TO VALUE COLLATERAL OF
JPMORGAN CHASE BANK, N.A.
2-3-16 [[23](#)]
5. [16-10312](#)-B-13 JACKIE/MARIA WEECE
SL-1
JACKIE WEECE/MV
SCOTT LYONS/Atty. for dbt.
AMENDED MOTION TO EXTEND
AUTOMATIC STAY
2-11-16 [[14](#)]
6. [15-13519](#)-B-13 SERGIO PEREZ
DRJ-2
SERGIO PEREZ/MV
DAVID JENKINS/Atty. for dbt.
RESPONSIVE PLEADING
MOTION TO SELL
1-27-16 [[24](#)]

7. [15-14723](#)-B-13 ALVINO GARCIA
APN-1
WELLS FARGO BANK, N.A./MV
TIMOTHY SPRINGER/Atty. for dbt.
AUSTIN NAGEL/Atty. for mv.
- OBJECTION TO CONFIRMATION OF
PLAN BY WELLS FARGO BANK, N.A.
1-11-16 [[15](#)]

This matter will be continued to March 31, 2016, at 1:30 p.m. The trustee has not yet concluded the meeting of creditors and by prior order of the court, the trustee has another 7 days after completion of the creditors' meeting to file his objection to the plan. The court will prepare and enter a civil minute order. No appearance is necessary.

8. [14-14028](#)-B-13 GEORGETTE AVEDIKIAN
DRJ-5
GEORGETTE AVEDIKIAN/MV
DAVID JENKINS/Atty. for dbt.
RESPONSIVE PLEADING
- MOTION TO MODIFY PLAN
1-21-16 [[85](#)]

9. [14-11534](#)-B-13 JAMES/DENISE SHARON
PBB-3 CHAPMAN
JAMES CHAPMAN/MV
PETER BUNTING/Atty. for dbt.
- MOTION TO MODIFY PLAN
1-20-16 [[41](#)]

The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The debtor(s) shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.

10. [15-14037](#)-B-13 SAMUEL/DIANE DOMINGUEZ
JLW-2
ROBERT LAIRD/MV
VARDUHI PETROSYAN/Atty. for dbt.
JODY WINTER/Atty. for mv.
DISMISSED
- OBJECTION TO DEBTOR'S CLAIM OF
EXEMPTIONS
1-7-16 [[59](#)]

This matter will be dropped from calendar without a disposition. The case has already been dismissed on the debtors' voluntary motion. No appearance is necessary.

11. [15-13742](#)-B-13 ANTONIO/MARIA NAVARRO
MHM-1
MICHAEL MEYER/MV
BARBARA SMART/Atty. for dbt.
- MOTION TO DISMISS CASE
1-4-16 [[65](#)]

This motion will be denied without prejudice. No appearance is necessary. The trustee's motion to dismiss, filed on January 4, 2016, was based solely on the failure of the debtors to confirm a chapter 13 plan. The docket shows that the debtors filed a fourth amended plan on February 19, 2016, which was served on February 23, 2016 and set for a hearing on April 14, 2016, at 1:30 p.m.

The court notes that the proof of service filed in that matter references an attached list of creditors, however no such list is attached to the proof of service. Unless a proof of service is filed that shows that all creditors in the case received notice and were served with the plan, the plan cannot be confirmed.

12. [15-14849](#)-B-13 FREDERICK SOLMS AND
SW-1 CONNIE HILL
ALLY BANK/MV
PETER FEAR/Atty. for dbt.
TORIANA HOLMES/Atty. for mv.
- OBJECTION TO CONFIRMATION OF
PLAN BY ALLY BANK
2-1-16 [[15](#)]
13. [15-14151](#)-B-13 MATHEW ALFORD
JAA-2
U.S. BANK NATIONAL
ASSOCIATION/MV
SCOTT LYONS/Atty. for dbt.
JESSICA ABDOLLAHI/Atty. for mv.
- OBJECTION TO CONFIRMATION OF
PLAN BY U.S. BANK NATIONAL
ASSOCIATION
1-20-16 [[63](#)]
14. [15-14151](#)-B-13 MATHEW ALFORD
SL-2
MATHEW ALFORD/MV
SCOTT LYONS/Atty. for dbt.
RESPONSIVE PLEADING
- CONTINUED MOTION TO CONFIRM
PLAN
12-10-15 [[36](#)]
15. [15-12352](#)-B-13 PATRICIA CHAMBERS
DJC-2
PATRICIA CHAMBERS/MV
DIANA CAVANAUGH/Atty. for dbt.
- MOTION TO MODIFY PLAN
1-14-16 [[54](#)]

The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The debtor(s) shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.

16. [11-14667](#)-B-13 KENNETH/JENNIFER WEBB
FLG-3

MOTION FOR COMPENSATION BY THE
LAW OFFICE OF FEAR LAW GROUP,
P.C. FOR PETER L. FEAR, DEBTORS
ATTORNEY(S)
1-19-16 [[40](#)]

PETER FEAR/Atty. for dbt.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

17. [15-13571](#)-B-13 LARRY/MARTHA BLACK
JRL-3
LARRY BLACK/MV
JERRY LOWE/Atty. for dbt.

MOTION TO CONFIRM PLAN
1-14-16 [[46](#)]

The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The debtor(s) shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.

18. [15-13571](#)-B-13 LARRY/MARTHA BLACK
JRL-4
LARRY BLACK/MV
JERRY LOWE/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF
CITIFINANCIAL SERVICING LLC
1-21-16 [[59](#)]

This matter was fully noticed in compliance with the Local Rules and there is no opposition. Accordingly, the respondent(s) default will be entered and the motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.

19. [13-14973](#)-B-13 CHRISTINE BROUGH
DVS-1
OCWEN LOAN SERVICING, LLC/MV
GARY HUSS/Atty. for dbt.
DOMINIC SIGNOROTTI/Atty. for mv.
RESPONSIVE PLEADING

MOTION FOR RELIEF FROM
AUTOMATIC STAY
1-15-16 [[68](#)]

20. [14-15875](#)-B-13 RICHARD/VERONICA ESPINOZA
TCS-2
RICHARD ESPINOZA/MV
TIMOTHY SPRINGER/Atty. for dbt.
RESPONSIVE PLEADING

MOTION TO MODIFY PLAN
1-13-16 [[44](#)]

21. [10-64577](#)-B-13 RONALD/ANNETTE SCHOETTLER MOTION TO DETERMINE FINAL CURE
MHM-2 AND MORTGAGE PAYMENT RULE
MICHAEL MEYER/MV 3002.1
1-20-16 [[58](#)]
EDDIE RUIZ/Atty. for dbt.

The matter has been resolved by stipulation of the parties and order of the court. No appearance is necessary.

22. [15-14178](#)-B-13 JOSEPH AUGUSTO CONTINUED OBJECTION TO
AP-1 CONFIRMATION OF PLAN BY WELLS
WELLS FARGO BANK, N.A./MV FARGO BANK, N.A.
12-15-15 [[23](#)]
SCOTT LYONS/Atty. for dbt.
JONATHAN CAHILL/Atty. for mv.
DISMISSED

This matter will be dropped from calendar without a disposition. The case has already been dismissed. No appearance is necessary.

23. [15-14378](#)-B-13 SERGIO/STACY MARTINEZ MOTION TO DISMISS CASE
MHM-1 1-27-16 [[18](#)]
MICHAEL MEYER/MV
TIMOTHY SPRINGER/Atty. for dbt.

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. The record shows that the debtor has failed to confirm a plan due to the failure to follow Local Rules 3015-1(j) and 3015-1(e), which constitutes unreasonable delay that is prejudicial to creditors. Accordingly, the respondent's default will be entered and the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare and enter a civil minute order. No appearance is necessary.

24. [13-12985](#)-B-13 OSWALDO BARAJAS AND ERICA OBJECTION TO CLAIM OF FREEDOM
MHM-1 CARDENAS-NAVA MORTGAGE CORPORATION, CLAIM
MICHAEL MEYER/MV NUMBER 13
1-26-16 [[71](#)]
GARY HUSS/Atty. for dbt.
RESPONSIVE PLEADING

25. [12-11592](#)-B-13 JOHNNY ROMERO AND CLARA MOTION TO DISMISS CASE
MHM-1 SILVA-ROMERO 1-13-16 [[71](#)]
MICHAEL MEYER/MV
EDDIE RUIZ/Atty. for dbt.
MICHAEL MEYER/Atty. for mv.

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. The record shows there is a material default in the plan payments that has not been cured. Accordingly, the respondents' default will be entered and the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare and enter a civil minute order. No appearance is necessary.

26. [15-14793](#)-B-13 OCTAVIO SANCHEZ OBJECTION TO CONFIRMATION OF
DJP-1 PLAN BY WINSTON GALUSHA AND
WINSTON GALUSHA/MV MARY GALUSHA
2-2-16 [[27](#)]
SCOTT LYONS/Atty. for dbt.
DON POOL/Atty. for mv.

This matter will be dropped from calendar without a disposition. The case has already been dismissed. No appearance is necessary.

27. [15-14294](#)-B-13 ERLINDA MAGLIBA CONTINUED MOTION TO CONFIRM
AGM-2 PLAN
ERLINDA MAGLIBA/MV 12-4-15 [[26](#)]
ALBERTO MONTEFALCON/Atty. for dbt.
RESPONSIVE PLEADING

28. [12-10696](#)-B-13 STEPHEN/VICTORIA BELIAEFF MOTION TO DISMISS CASE
MHM-3 1-13-16 [[107](#)]
MICHAEL MEYER/MV
SUSAN HEMB/Atty. for dbt.
RESPONSIVE PLEADING

The matter has been withdrawn. No appearance is necessary.

29. [11-16697](#)-B-13 RONALD/DONNA HOFFART MOTION TO MODIFY PLAN
RS-1 1-15-16 [[168](#)]
RONALD HOFFART/MV
ANDY WARSHAW/Atty. for dbt.

The motion to modify a confirmed chapter 13 plan will be denied without prejudice. The creditors did not receive notice of a material change in the plan. The proposed plan reduces the dividend to the unsecured creditors. In addition, the pleadings do not show that the requirements of §1325(a) have been met. The court will enter a civil minute order. No appearance is necessary.

30. [15-14699](#)-B-13 DAMON/REGINA GUNDERMAN
MHM-1
MICHAEL MEYER/MV
DAVID JENKINS/Atty. for dbt.

MOTION TO DISMISS CASE
1-22-16 [[21](#)]

The chapter 13 trustee's motion to dismiss was fully noticed in compliance with the Local Rules and there is no opposition. The record shows that the debtors have failed to appear at their continued §341 meetings and have failed to provide the trustee with 2014 state and federal tax returns as required by §521(e)(2)(A) and (B). Accordingly, the respondents' default will be entered and the motion will be granted without oral argument. The case will be dismissed for cause shown. The court will prepare and enter a civil minute order. No appearance is necessary.